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New York, 12-30 July 1993

COMMENTS ON A GUIDE TO THE ISSUES BEFORE THE CONFERENCE PREPARED BY THE CHAIRMAN (A/CONF.164/10)

(Submitted by the Permanent Representative of Solomon Islands to the United Nations on behalf of the member countries of the South Pacific Forum Fisheries Agency)

1. In relation to sections II and III of document A/CONF.164/10, the comments of the member countries of the South Pacific Forum Fisheries Agency (SPFFA) relate in particular to the mechanism for cooperation between States in respect of the conservation and management of straddling fish stocks and highly migratory fish stocks on the high seas and the need to take a flexible approach to arrangements for management.

2. Member countries of the Agency can agree with the proposition that, in relation to the conservation and management of straddling stocks and highly migratory species on the high seas, States should cooperate. It needs to be clearly understood that the purpose of such cooperation is to agree on conservation and management measures with respect to particular fish stocks on the high seas. However, the member countries of the Agency think it also needs to be recognized that cooperation through existing regional and international fisheries commissions has not proved effective in the management and conservation of high seas resources, particularly straddling stocks and highly migratory species, nor in resolving the major issues associated with high seas fisheries.

3. Some of the reasons for the lack of success of these bodies include:

(a) Inadequate information bases for decision-making;

(b) Failure of parties to fulfil their commitments for data provision, research, etc.;

(c) The different capabilities of the parties to collect and analyse data leading to the domination of scientific discussion by one or two parties;

(d) The inability of members to agree on essential conservation measures recommended by scientists;

(e) The absence of key fishering States from the regime;

(f) The divergent interests of coastal States and distant-water fishing nations;

(g) The dominance of developed countries over developing countries;

(h) Poor enforcement of agreed management measures;

(i) The failure to adapt the institutional frameworks to the geographic and economic circumstances of each region;

(j) The lack of commitment by parties to precautionary management approaches.

4. Any assessment of the shortcomings of existing fisheries management bodies should set out guidelines for improving the performance of these bodies. Fisheries management bodies are in place for several of the fisheries which are now in trouble. We need to look carefully and honestly at the reasons underlying the failure of existing institutions to identify the changes necessary successfully to conserve and manage high seas resources. Fisheries management bodies must be accountable for the state of the resources over which they have competence. States must be prepared to make the changes necessary to the mandate and decision-making processes to achieve improvements in the way those resources are managed.

5. Calls for new institutions ring hollow unless the problems underlying the failure of existing bodies are addressed. It is clear that changes must be made to the decision-making processes, mandate and structures if improvements are to be achieved in conserving and managing high seas fisheries. We need to think flexibly about the form, decision-making processes, roles of members and the form of participation in such bodies, taking into account specific regional characteristics.

6. The members of SPFFA would therefore agree that participation in a regional or subregional fisheries management organization is only one method of fulfilling the obligation to cooperate in fisheries conservation and management. Existing regional mechanisms, policies and development should be regarded as a starting-point for addressing high seas fisheries management issues. However, there is a need for greater cooperation in developing and implementing effective management regimes on the high seas. Such regimes must be based on proper scientific, economic and social considerations and contain effective monitoring and enforcement measures.